

**3956. Misbranding of Dr. De-Pass analgesic compound. U. S. v. 99 Bottles \* \* \*.** (F. D. C. No. 33445. Sample No. 21364-L.)

**LIBEL FILED:** July 2, 1952, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about April 11, 1952, by the Dr. De-Pass Chemical Co., from Chicago, Ill.

**PRODUCT:** 99 6-ounce bottles of *Dr. De-Pass analgesic compound* at Jackson, Miss.

**LABEL, IN PART:** "Dr. De-Pass Analgesic Compound \* \* \* Active Ingredients: Potassium Iodide, Solium Salicylate and Sodium Bicarbonate."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, in an accompanying newspaper clipping headed "Do You Suffer? From Arthritis Rheumatism," were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for arthritis, rheumatism, swollen wrists and fingers, and difficulty in walking. The article was not an adequate and effective treatment for those conditions.

Further misbranding, Section 502 (f) (2), the labeling of the article failed to bear an adequate warning against continuing the duration of treatment if a skin rash was produced by the iodide ingredient.

**DISPOSITION:** November 12, 1952. William Martin, owner of the Dr. De-Pass Chemical Co., requested that the libel action be dismissed on the basis of insufficient evidence, after which the Government's attorney moved for judgment on the pleadings. The court sustained such motion and having found that the product was mislabeled, entered judgment providing for condemnation and destruction of the product.

**3957. Misbranding of Niagara devices. U. S. v. 25 Devices, etc. (F. D. C. No. 33887. Sample Nos. 16643-L, 16646-L.)**

**LIBEL FILED:** September 26, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about August 9, 1950, and on unknown dates, by Niamco, Inc., from Dallas, Tex.

**PRODUCT:** 25 *Niagara Hand Unit devices* and 20 *Niagara Portable devices* at Kansas City, Mo., in the possession of the Niagara Equipment Co., together with certain written, printed, and graphic matter consisting of a number of sales manuals entitled "Health Program for Niagara Health Equipment Company," a number of booklets entitled "Sales Talk" and "Niagara The Monarch of Mechano Massage," a number of books entitled "Stories The Feet Can Tell," a number of charts entitled "Zone Therapy Chart," and a number of pamphlets entitled "Niagara Deep Massage." Some of the written, printed, and graphic matter was shipped from Dallas, Tex.; some was printed in Kansas City, Mo.; and the origin of the remainder was not known.

The devices were vibrators. The *Niagara Hand Unit devices* were so designed as to adapt them to be held in the hand while being applied to any part of the body and the *Niagara Portable devices* were designed for resting the feet upon or for sitting or leaning upon.

**LABEL, IN PART:** "Niagara of Adamsville, Pa. \* \* \* Hand Unit" and "Niagara of Adamsville, Pennsylvania All Purpose Portable Model."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the above-mentioned written, printed, and graphic matter accompanying the de-